WP(C) 3502/2007
BEFORE
HON'BLE JUSTICE B.K. SHARMA

Heard Mr. I. Choudhury, learned counsel for the petitioner and Mr. P.K. Mushahary, learned Sr. Govt. Advocate along with Ms. R. Chokraborty, learned State counsel.

This writ petition was moved on 20.07.07 and the learned State counsel was requested to obtain instruction. He has since been furnished with written instruction by letter dated 26.07.07 issued by the Govt. of Assam in the Corporation Department under the signature of the Deputy Secretary to the Govt. of Assam.

The grievance raised in the writ petition is in respect of Annexure-E order dated 11.07.07 by which Shri Karnadhar Deuri, Sub-Registrar of the Cooperative Society (M), Dhemaji (respondent No. 4) has been allowed to hold temporary charge of Assistant Registrar of the Cooperative Societies, Dhemaji in addition to his normal duty.

It is the case of the petitioner that the impugned order dated 11.07.07 has been passed in the most illegal manner. According to the petitioner he is about 14 years senior in his service and three years senior in the present cadre of Sub-Registrar of the Cooperative Societies than the respondent No. 4. In fact, the petitioner was given the charge of Assistant Registrar of the Cooperative Societies by Annexure-C notification dated 22.05.07. Thereafter by Annexure-D office order dated 14.06.07 the petitioner was also given the power of DDO.

In the aforesaid backdrop, it is the grievance of the petitioner that he could not have been replaced so as to accommodate the respondent No. 4. Mr. I. Choudhury, learned counsel for the petitioner submits that as per the normal practice, it is the senior most officer who is given the

charge in case of temporary vacancy. As per the written instruction furnished by the learned State counsel, it is the stand of the respondents that the arrangement is purely temporary and that the representation made by the petitioner by Annexure-F dated 16.07.07 is under process for disposal. According to the petitioner the respondent No. 4 having been promoted to the present cadre of Sub-Registrar of the Cooperative Societies only in the recent past and he having not completed three years of service which is the requirement for promotion to the post of Assistant Registrar, the respondent No. 4 cannot hold the charge of the ARCS. This aspect of the matter has not been denied by the respondents, rather in the written instruction it has been admitted. It has also been stated that as per the laid down procedure, the qualifying service for promotion to the post of ARCS is three years. However, they have justified their action in allowing the respondent No. 4 to hold the charge on the ground that the same is temporary in nature.

Since it is the stand of the respondents that the representation made by the petitioner is under process for disposal, I am of the considered opinion that ends of justice will be met if the Annexure-F representation dated 16.07.07 made by the petitioner to the Secretary of the Govt. of Assam in the Corporation Department is considered and disposed of in accordance with law and the rules holding the field. This shall be done as expeditiously as possible. Mr. Mushahary, learned Sr. Govt. Advocate submits that there will not difficulty in disposing the representation within one week.

Till the representation is disposed of taking into account all the relevant considerations in accordance with law, status quo as on today shall be maintained.

Writ petition stands disposed of.